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May 18, 1999, 09:58 p.m.

Cellular firm won't pursue locator system for 911 calls

By CARLOS BYARS
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Houston Cellular's president said Tuesday that his company will not go forward with an emergency-call locator system because it is unproven and could put customers at risk.

In a statement, company President Don Kovalevich accused the Greater Harris County 911 Emergency Network of being "misleading" in its criticism of the company.

But emergency network officials called the complaints from Houston Cellular a "smokescreen."

The 911 network filed suit against Houston Cellular and its business partners Monday, alleging that they breached an agreement to proceed with testing of a system that would allow emergency workers to electronically pinpoint the location of a cellular customer who calls 911. A hearing in this case is scheduled for 9 a.m. Friday in ancillary court.

Panicked citizens calling from their cars often cannot tell dispatchers exactly where they are.

Houston Cellular and the emergency network already tested the locator system during a 10-month trial period using mock calls. The company and emergency operators were set to put the system to use on actual Houston Cellular customers in the second phase of testing.

But Houston Cellular officials say they declined to go forward with plans because it is not yet proven technology.

"The test was not intended as a permanent solution, and it could cause substantial confusion and risk for our customers," Kovalevich said in the statement.

The president noted that the test area would have covered just 2 percent of Houston Cellular's coverage area, and it would have worked only on analog calls. Most of the customers' calls are digital, Kovalevich said.

But John Melcher, project director for 911, said digital calls would have been included in tests beginning in June.

Melcher also disputed claims that the testing would confuse callers, saying that the network has one of the best customer-awareness programs in the country.

Kovalevich said his company has been "unfairly criticized" and he called it ironic that Houston Cellular has been singled out for criticism, when it is the only local cellular service provider that has done any emergency system testing at all.

Officials of the 911 Network said that the advent of BellSouth as managing partner of Houston Cellular last December led to the eventual termination of the testing program.

Named in the lawsuit are BellSouth and American Cellular, another BellSouth subsidiary.

The 911 system currently is unable to locate calls from cellular phones as is done with calls using the normal telephone system. Unless the caller knows and can give the location, emergency response can be seriously delayed.

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The Federal Communications Commission has given cellular phone companies until October 2001, to develop technology that will locate emergency calls. A Houston Cellular spokeswoman said the company intends to meet that deadline.

Tom Bass, chairman of the 911 board of managers, said the issue boils down to saving lives.

Initial tests of the proposed system using a dummy number were highly successful, 911 managers said, thus paving the way for testing on actual calls.

These tests were scheduled to last six months, beginning in mid-April. Their aim was to see how accurately 911 calls could be located in a large area of southwest Houston.

Electronic equipment already has been installed on 70 cellular phone towers. These towers provide cell-phone service in a wedge-shaped area from downtown west along Interstate 10 to Beltway 8 and south to U.S. 59. This area has the highest density of cell-phone subscribers in the city, 911 officials said.

B

Donald Kovalovich
President

houston cellular

May 19, 1999

Dear Citizens of Greater Houston and Galveston:

As you may be aware, Greater Harris County 9-1-1 Emergency Network (GHC) is pursuing legal action against Houston Cellular. We believe GHC's information is misleading and that Houston Cellular is being unfairly criticized. I want you to have the facts:

- In 1996, the FCC mandated that the wireless industry provide 911 networks with callback numbers and cell site location 100% of the time for wireless 911 emergency calls by 1998 (Phase I). Phase II mandates location identification of calls within 410 feet, 67% of the time, by October 2001. GHC chose not to implement Phase I technology immediately.
- Houston Cellular is the only wireless carrier in Houston that has worked with GHC to test new wireless E911 technology.
- The agreement between GHC and Houston Cellular was established to test location technology and did not require that this technology be implemented permanently. We have now completed ten months of cooperative testing with GHC. It is time that we review other technologies. A permanent solution cannot be determined based solely on testing one technology.

Houston Cellular is extremely concerned with the consequences of GHC's insistence to test the system with customers' live emergency calls. The test was not intended as a permanent solution, and it could cause substantial confusion and risk for customers:

The test area covers less than 2% of Houston Cellular's service area, leaving us unable to locate the vast majority of emergency calls.

The test currently only locates customers on our analog network while the majority of Houston Cellular's customers are using digital technology, again leaving us unable to locate the vast majority of emergency calls.

To date, Houston Cellular is the only one of seven local wireless providers in Houston to test this technology. We are unable to complete or locate the emergency calls of other wireless carriers.

- Houston Cellular offered to test this technology with GHC for an additional six months to collect more data on this still-developing technology. With this lawsuit, GHC has rejected our proposal for further study.

We are disappointed that GHC has chosen to take legal action against us — the only wireless carrier that has worked to help them test location technology.

Houston Cellular has been and continues to be a leader in developing location technology solutions to meet the FCC requirements, and we remain committed to appropriate testing with GHC and others.

Houston Cellular offered to test this technology with GHO for an additional six months to collect more data on this still-developing technology. With this lawsuit, GHO has rejected our proposal for further study.

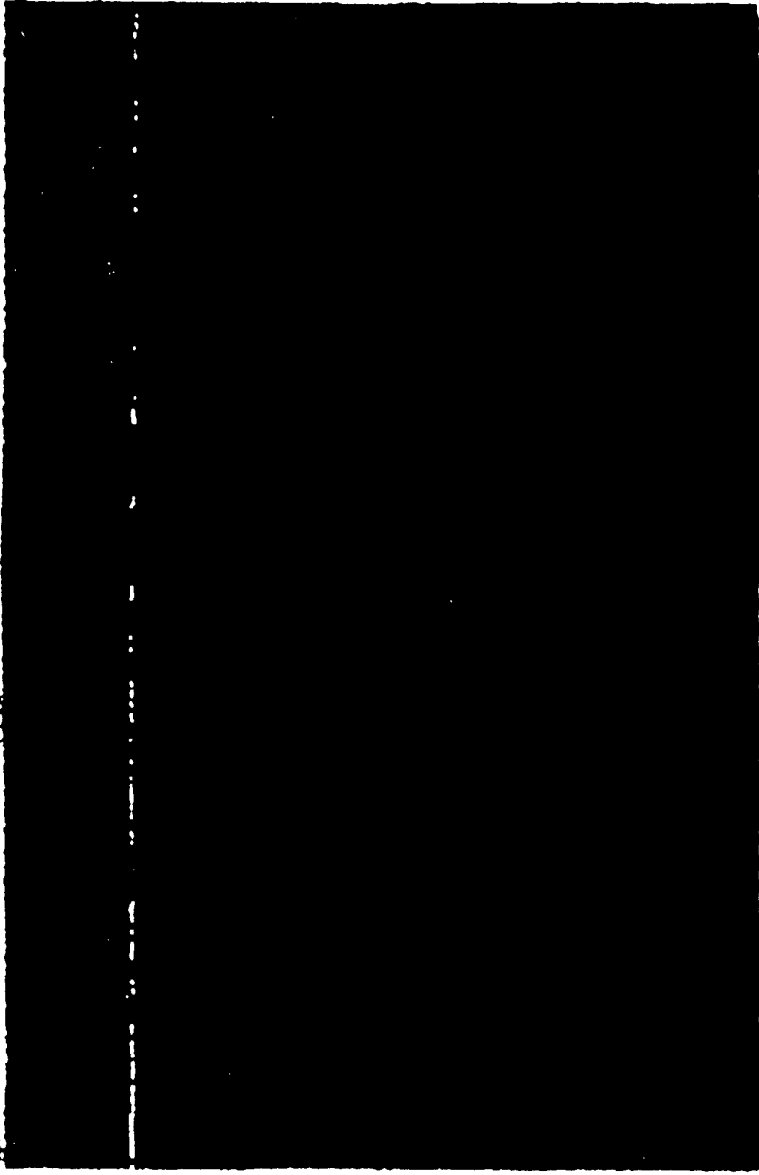
We are disappointed that GHO has chosen to take legal action against us — the only wireless carrier that has worked to help them test location technology.

Houston Cellular has been and continues to be a leader in developing location technology solutions to meet the FCC requirements, and we remain committed to appropriate testing with GHO and others.

Please feel free to contact our Customer Care Department at 713-344-4444, if you have any questions.



Dan Kovach
President



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20564

IN REPLY REFER TO:

October 23, 1998

Ms. Pamela J. Riley
Vice President – Federal Regulatory
AirTouch Communications
1818 N Street, N.W., Suite 800
Washington, D.C. 20016

Dear Ms. Riley:

I am writing in response to your letter of October 2, 1998, in which you express concern that some may interpret the Commission's decisions in the wireless E911 rulemaking proceeding, CC Docket No. 94-102, as requiring a network-based location determination technology solution in order to comply with the Phase II automatic location information (ALI) rules. You request clarification to help alleviate "substantial industry confusion as to wireless carriers' Phase II obligations."

In the wireless E911 proceeding, the Commission adopted general performance criteria rather than extensive technical standards, thus allowing various technologies to be used in the provision of Phase II ALI. See *E911 First Report and Order*, 11 FCC Rcd 18676, 18714 (para. 76) (1996). As you point out in your letter, the Commission reaffirmed this approach in the *E911 Reconsideration Order*, 12 FCC Rcd 22665 (1997). The Commission also specifically addressed concerns that aspects of the Commission's rules might appear to preclude a handset-based approach. For example, Section 20.18(e) of the Commission's Rules, 47 C.F.R. § 20.18(e), requires that carriers provide ALI for *all* calls, which might not be feasible under a handset-based approach for handsets currently in use.

To reaffirm its general policy and approach, and to clarify the application of that policy to handset-based approaches to ALI, the Commission stated as follows:

123. One further point deserves mention. In setting deadlines and benchmarks for ALI, our policy has been to be technologically and competitively neutral. As we indicated in the *E911 First Report and Order*, our intention was to adopt general performance criteria, rather than extensive technical standards, to guide the development of wireless 911 services. Our goal is to ensure the rapid, efficient, and effective deployment of ALI as part

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Vice President – Federal Regulatory
AirTouch Communications

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of E911, in order to promote the public safety and welfare. *Thus, we have not endorsed or mandated any particular ALI technology or approach*, although we did recognize in the *E911 First Report and Order* that parties at that time expected that ALI technology would be based in the network, not in the handset.

124. Since the *E911 First Report and Order* was adopted, however, we have received several inquiries with respect to whether other technologies, such as handset-based technologies using the GPS satellite system, could comply with our rules. To clarify our policies, we wish to reaffirm that our rules and their application are intended to be technologically and competitively neutral. We do not intend that the implementation deadline, the accuracy standard, or other rules should hamper the development and deployment of the best and most efficient ALI technologies and systems. Manufacturers and other interested parties who believe that our rules could be applied in a way that might unreasonably hamper the deployment of effective ALI solutions may raise this issue in the ongoing rulemaking or by requests for waivers. We do not expect to delay the 2001 deadline, but would consider proposals to phase in implementation, especially to the extent a proposal also helps achieve the further improvements in ALI capabilities we discussed in the *E911 Further NPRM*.

E911 Reconsideration Order, 12 FCC Rcd at 22724-25 (paras. 123-124) (footnotes omitted) (emphasis added).

In addition to thus inviting both general proposals for revisions or waivers of the wireless 911 rules and specific proposals for phasing in ALI implementation, the Commission expressly indicated that it would, upon receipt of a formal request, consider reopening the record with regard to the application of Phase II requirements in order to apply them only to new wireless phones. *See E911 Reconsideration Order*, 12 FCC Rcd at 22725 (note 319).

To date the Commission has not received any requests that it modify or waive the Phase II ALI rules or apply them only to new handsets, although we are considering a general request in a petition for further reconsideration, filed by the Cellular Telecommunications Industry Association, that we clarify the Phase II ALI rules as they apply to handset-based solutions.

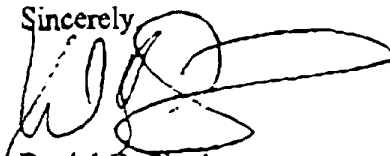
While I cannot of course prejudge the disposition of this petition or of any other filings we might receive on this issue, I anticipate that the Commission and the

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Vice President - Federal Regulatory
AirTouch Communications

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Bureau will continue to apply and, if necessary, to take reasonable steps to modify those rules in a technologically and competitively neutral manner that permits the deployment of the best and most efficient ALI technologies and systems, including handset-based technologies and systems. In this regard, any carrier that is planning to achieve compliance with the Commission's Phase II ALI rules by deployment solely of a handset-based solution, and that has any concerns whether such an approach is precluded by the Commission's rules, should give consideration to filing a request for waiver or for other formal Commission action to modify or waive the ALI rules to address compliance issues affecting handset-based technologies.

Sincerely

A handwritten signature in black ink, appearing to read 'D. B. Phythyon', with a long horizontal stroke extending to the right.

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

D

THE WIRELESS PRIVACY ENHANCEMENT ACT OF 1999 AND THE WIRELESS
COMMUNICATIONS AND PUBLIC SAFETY ENHANCEMENT ACT OF 1999

HEARING

before the

SUBCOMMITTEE ON TELECOMMUNICATIONS,
TRADE, AND CONSUMER PROTECTION

of the

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

on

H.R. 438 and H.R. 514

FEBRUARY 3, 1999

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[EXCERPTS]

Mr. Gordon. Okay. And let me go to the FCC here. I assume that, as these waivers come to you, are you going to provide some--what is going to be your criteria? Are you going to do some kind of cost-benefit analysis? What do you see happening?

Mr. Sugrue. Absolutely, in the public interest. As I understand this, rather than characterize this as necessarily postponing the deadline, it is to shape the implementation requirements so that a different technology isn't sort of ruled out just because the rules were written with one particular type of technological solution in mind.

When the Commission wrote these rules, it assumed that the only approach to provide this service was a network-based solution. You build it into the cell sites around the network. Since then, some folks have proposed what they call a handset-based solution that would work in conjunction with the global positioning system, the satellite system that provides very precise location information. If our rules were applied literally, no one, no carrier, no system using a handset-based approach could satisfy our requirements. Not because we wanted to rule it out, because we wrote the rules in a way without that in mind.

I think it is sort of that the various reasons why, procedurally, this is being styled as a waiver. I would almost prefer to think of it as a rule modification or update so we have an approach that doesn't inadvertently rule out one technology that may be very promising. So we are going to look at things like if you do the handset-based approach, which would involve a ramp-up, you might be required to start earlier so that the deadline may, in some sense, be stricter.

Mr. Gordon. Will you looking at, I mean, maybe the difference in accuracy? I mean, whether it is a, you know, minimal amount or--and also cost?

Mr. Sugrue. One of the tradeoffs will be whether the current rule provides for location information with 125 meters on a measured average basis. Now that's about 400 feet. One thing we are going to ask is if you are going to ask for a waiver, will you be able to do better than that if you get the waiver? So can you get inside 125 meters as a standard? And one of the things we might do is say you get the waiver if you commit to high accuracy levels.

E

Donald Kondelich
President & General Manager

Clearly The Best

1001 West Loop South
Suite 300
Houston, Texas 77027
713 / 553-2225

March 1, 1999

Mr. Kent Sander
President and COO
TruePosition, Inc.
8330 Boone Blvd., 4th Floor
Vienna, VA 22182

Dear Kent,

As we work together to achieve Phase II of the FCC's enhanced E-911 implementation plan, I would like to emphasize that it is essential to cooperate in appropriately communicating the plan's status to industry representatives, the public and members of the media.

It has been brought to my attention that representatives of TruePosition have made claims that the E-911 trial was in a commercial state. We both know this is inaccurate information based on the fact that we are in the implementation and testing phase, and the contract agreement with Greater Harris County is for a trial only. Further, this misinformation is disconcerting to Houston Cellular and to its parent companies.

The need for consistent, accurate communication is especially critical as the project progresses and public and media interest increases. While we would like the opportunity to review all formal announcements and publicity related to this project, we realize this may not be practical. Julie DiCarlo, our external affairs manager, is available to discuss a communications strategy, and we would appreciate all efforts on your part to ensure the accuracy of future formal and informal discussion of the project.

For clarification purposes, Houston Cellular's agreement with E-911 specifies that at this time the E-911 implementation plan is in a "trial stage" only. The trial is for testing and is not a commercial application at this time. Any public announcement or statement otherwise is inaccurate and misleading.

I look forward to working with you as we implement wireless E911 services in our community. Please call me at 713-553-2205 or Julie DiCarlo at 713-553-2125 if we can be of assistance to you in this process.

Kindest regards,

